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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/055,711 | 01/22/2002 | Edward Rebar | 8325-0025 | 6236 |
| 20855 | 7590 | 09/30/2008 | EXAMINER | |
| ROBINS & PASTERNAK 1731 EMBARCADERO ROAD SUITE 230 PALO ALTO, CA 94303 | | | DUNSTON, JENNIFER ANN | |
| | | | ART UNIT | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

CONTINUATION SHEET

The amendment filed 9/10/2008 under 37 CFR 1.116 in reply to the final rejection has NOT been entered. The final Office action, mailed 7/21/2008, is maintained.

The proposed amendments to claim 30 to exclude non-canonical zinc finger components containing only cysteine residues alters the scope of the claim such that further search and consideration is required. The prior version of claim 30 encompassed non-canonical zinc finger components containing only cysteine residues.

The response asserts that claim 30 is allowable, and the withdrawn claims should be examined. This is not found persuasive. Claim 30 is rejected. Thus, claims 3, 5, 23-24, 34-35 and 38 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

This application contains claims 1, 33 and 52 drawn to an invention nonelected with traverse in the replies filed on 8/3/2004 and 11/18/2004. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01. Claims 1, 33 and 52 will not be subject to rejoinder upon the allowance of the elected invention.

With regard to Applicant's arguments directed to the rejections under 35 U.S.C. 112, first paragraph, all arguments are directed to the newly amended claims. The arguments are directed to embodiments where the target sequence is a nucleic acid sequence and where the non-canonical zinc finger must contain at least one histidine residue. As discussed above, the amendments have not been entered. Therefore, the arguments are moot and will not be addressed.

With regard to Applicant's arguments directed to the rejections under 35 U.S.C. 103, all arguments are directed to the newly amended claims. As discussed above, the amendments have not been entered. Therefore, the arguments are moot and will not be addressed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Dunston whose telephone number is 571-272-2916. The examiner can normally be reached on M-F, 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach can be reached at 571-272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jennifer Dunston, Ph.D.
Examiner
Art Unit 1636

/JD/

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